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**JAN 14 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Johannes Hubertus Wieringa, et al. :  
Application No. 10/564,193 : **DECISION ON PETITION**  
Filed: January 6, 2006 :  
Attorney Docket No. 2003.796US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 8, 2008, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 25, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1110 extension of time fee submitted with the petition on October 8, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 1624 for appropriate action by the Examiner in the normal course of business on the reply received October 8, 2008.

April M. Wise  
Petitions Examiner  
Office of Petitions